

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAY 16 AM 10:58

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) David DONEGAN-Ramirez,

2.) Mauricio LOERA-Ramirez

Defendant(s)

) Magistrate Case No. 08 MJ 1523

) COMPLAINT FOR VIOLATION OF: *MA*

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

) Transportation of Illegal

) Aliens

) Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

) Bringing in Illegal Aliens Without

) Presentation

The undersigned complainant, being duly sworn, states:

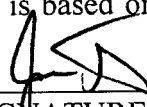
COUNT 1

On or about **May 14, 2008**, within the Southern District of California, defendant **David DONEGAN-Ramirez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ezequiel TORRECILLAS-Beltran**, **Odilon Esteban VILLAMIL-Bello**, and **Tomas HERRERA-Medina** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT 2

On or about **May 14, 2008**, within the Southern District of California, defendant **Mauricio LOERA-Ramirez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ezequiel TORRECILLAS-Beltran**, **Odilon Esteban VILLAMIL-Bello**, **Tomas HERRERA-Medina**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16<sup>th</sup> DAY OF MAY 2008

  
Cathy A. Bencivengo  
UNITED STATES MAGISTRATE JUDGE

## CONTINUATION OF COMPLAINT:

1.) David DONEGAN-Ramirez

2.) Mauricio LOERA-Ramirez

## PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Ezequiel TORRECILLAS-Beltran, Odilon Esteban VILLAMIL-Bello, Tomas HERRERA-Medina**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 14, 2008, Border Patrol Agents G. Suarez and F. Rivera were performing assigned anti-smuggling duties, near Old Highway 80, in Jacumba, California. Agents Suarez and Rivera were each operating an unmarked Agency vehicle, and wearing plain street clothing. Jacumba, California is located approximately 25 miles east of the Tecate, California Port of Entry, and adjacent to the United States/Mexico International Boundary. Jacumba is a well-known alien and narcotics smuggling location, due to its proximity to the border. Old Highway 80 extends through the entire town of Jacumba, paralleling the border, running as close as 50 yards to the border fence in certain locations. This location also provides easy access from Old Highway 80 to Interstate 8, through Carrizo Gorge Road, allowing smugglers to leave the area quickly with their cargo.

Agents Suarez and Rivera were observing traffic on Old Highway 80, approximately an hour before dusk. At approximately 6:15 p.m., Agent Rivera observed a white, four-door Cadillac traveling westbound on Old Highway 80, into Jacumba. Alien smugglers often use large sedans to pick up illegal aliens, due to their higher passenger capacity. Agent Rivera notified Agent Suarez, via Agency radio, that the white Cadillac was going into Jacumba. Agent Suarez, located west of Agent Rivera's position, continued surveillance on the Cadillac. Agent Suarez observed the white Cadillac continue to travel, westbound on Old Highway 80, towards the outskirts of Jacumba.

Agent Suarez followed the white Cadillac at a distance. As Agent Suarez went around a curve, within view of the 32.5 Mile Marker, he observed the white Cadillac coming towards him, back eastbound, on Old Highway 80. Agent Suarez further observed a dust cloud, and a man running south, near the 32.5 Mile Marker. Agent Suarez was aware that the 32.5 Mile Marker is very commonly used, by alien smugglers, to pick up their human cargo. As the white Cadillac passed Agent Suarez, he observed that the rear bumper was substantially closer to the ground than a few moments before. Agent Suarez notified other agents in the area of his observations. Agent Suarez then began pursuing the suspected foot guide, on foot.

A few moments later, Agent Rivera observed the white Cadillac traveling eastbound on Old Highway 80, back through the center of Jacumba. Agent Rivera confirmed to other units, that the white Cadillac was indeed riding considerably lower to the ground than he had first seen. Border Patrol Agent D. Salgado advised that he was operating a marked Agency vehicle, and could assist with a vehicle stop on the white Cadillac. Agent Salgado was positioned at the intersection of Carrizo Gorge Road and Old Highway 80. Field Operations Supervisor (FOS) J. Morrison advised that he would have a Controlled Tire Deflation Device (CTDD), at the 38.5 Mile Marker on Old Highway 80; in case the white Cadillac failed to yield.

At approximately 6:23 p.m., the white Cadillac continued eastbound on Old Highway 80, past Agent Salgado's vehicle. Agent Salgado followed the white Cadillac and activated his vehicle's fully functioning emergency lights, and audible siren, in an effort to conduct a vehicle stop. Border Patrol Agent J. Martinez, also operating a marked Agency vehicle, followed behind Agent Salgado, as a backup unit. The white Cadillac did not yield to the vehicle stop, accelerated, and continued traveling eastbound on Old Highway 80. Agent Salgado notified Border Patrol Dispatch of the failure to yield. FOS Morrison advised Agent

**CONTINUATION OF COMPLAINT:**

- 1.) **David DONEGAN-Ramirez**
- 2.) **Mauricio LOERA-Ramirez**

Salgado that he was ready to deploy the CTDD. As the white Cadillac reached FOS Morrison's location, FOS Morrison deployed the CTDD, which took effect on two of the Cadillac's tires.

The white Cadillac continued to travel, with its two front tires deflated, for approximately a half mile, and then came to a stop. Agents Salgado and Martinez, immediately approached the white Cadillac on foot, and observed four individuals crouching down inside the vehicle. Agents Salgado and Martinez identified themselves as Border Patrol Agents. Agent Salgado separated the driver, later identified as the defendant **David DONEGAN-Ramirez**, from the passengers of the white Cadillac, and performed an immigration inspection. **DONEGAN** freely admitted to being a citizen and national of Mexico, and to having no immigration documents that would allow him to enter or remain in the United States. Agent Salgado placed **DONEGAN** under arrest for being present in the United States without admission, and suspicion of 8 USC 1324 alien smuggling.

At that time, Agent Martinez conducted a search incident to arrest of the white Cadillac. Agent Martinez found two subjects inside the trunk. Agent Salgado performed an immigration inspection of each of the passengers in the white Cadillac, individually. Each subject freely admitted to being a citizen and national of Mexico, and to having no immigration documents that would allow him or her to enter or remain in the United States. Agent Salgado placed each smuggled alien under arrest for being present in the United States without admission.

**DONEGAN** and the six smuggled aliens were transported separately to the Boulevard Border Patrol Station for processing.

Meanwhile, Border Patrol Agents A. Velazquez and J. Nations had responded to assist Agent Suarez in pursuing the suspected foot guide. Agent Nations responded to the exact location on Old Highway 80 where the group of illegal aliens had met the white Cadillac. Agent Nations was able to determine that there were fresh footprints from one individual running south from that location, and followed them. The agents continued to look for the subject, following his footprints, and looking in known hiding spots within that line of travel. Agent Velazquez, who was searching near Agent Nations, found a male subject, later identified as the defendant **Mauricio LOERA-Ramirez**, hiding in a bush. Agent Velazquez identified himself as a Border Patrol Agent and conducted an immigration inspection of **LOERA**. **LOERA** freely admitted to being a citizen and national of Mexico, and to having no immigration documents that would allow him to enter or remain in the United States. Suspecting that **LOERA** might be the foot guide he was looking for, Agent Velazquez searched the bush **LOERA** was hiding in, for any equipment indicative of smuggling activities. Agent Velazquez found a two-way radio in the same bush. Agent Suarez walked over to Agent Velazquez' location, and was able to positively identify **LOERA** as the subject he had seen running south, after the illegal aliens were picked up. Agent Velazquez placed **LOERA** under arrest for being present in the United States without admission, and suspicion of alien smuggling. **LOERA** was transported to the Boulevard Border Patrol Station for processing.

**DEFENDANT STATEMENT: David DONEGAN-Ramirez**

The defendant was advised of his Miranda Rights and indicated that he understood his rights and did not ask for an attorney before providing the Agents with a statement. The defendant stated that he is a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

**CONTINUATION OF COMPLAINT:****1.) David DONEGAN-Ramirez****2.) Mauricio LOERA-Ramirez**

DONEGAN illegally entered into the United States on Saturday May 10, 2008 but does not know where he entered. He made the arrangements to be smuggled with a man he knows as "MUDO". "MUDO" told him that it would cost \$2,500 dollars to be smuggled into the United States. DONEGAN asked "MUDO" if he could work for him in lieu of payment. "MUDO" agreed and gave DONEGAN a job as a load driver.

While waiting to work as a load driver DONEGAN stayed at a house in Calexico, California. DONEGAN was given a cell phone to use in this event. He was instructed to go southbound on Carrizo Gorge Road from Interstate 8, westbound on Old Highway 80 through the town of Jacumba, and after driving through Jacumba he would find the group coming out of some rocks on Old Highway 80. "REY" told DONEGAN not to pull over if the Border Patrol tried to stop him. In the event DONEGAN failed to yield he was to drive eastbound on Interstate 8 from Jacumba, California to Ocotillo, California. He was further instructed to runaway from the vehicle on foot at Ocotillo.

When DONEGAN parked, and the group of illegal aliens was loading into the vehicle he was driving, a man opened the passenger door, reached into the glove compartment, and pressed a button to open the trunk. DONEGAN states that this man never entered the vehicle but ran back into the bushes.

**MATERIAL WITNESSES STATEMENTS:**

Material Witnesses **Ezequiel TORRECILLAS-Beltran, Odilon Esteban VILLAMIL-Bello, Tomas HERRERA-Medina** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay between \$2,000.00 to \$3,000.00 U.S. dollars to be smuggled to various parts of California. All the material witnesses stated that foot guides led them across the border. When shown a photographic lineup, all the Material Witnesses were able to identify defendant **DAVID DONEGAN-Ramirez** as the driver of the white Cadillac. All the material witnesses were also able to identify defendant **Mauricio LOERA-Ramirez** as the foot guide that led them across the border to the pick up location.